

Exhibit I

VOLUME: 1
PAGES: 1-50
EXHIBITS: None

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF SUFFOLK

THE SUPERIOR COURT

COMMONWEALTH OF MASSACHUSETTS)

Plaintiff,)

)

v.) CRIMINAL DOCKET

) SUCR2001-10384

LEON ROBINSON)

Defendant.)

EVENT: Motion Hearing

BEFORE: The Honorable Margaret R. Hinkle (J.)

PLACE: Suffolk Superior Court, Courtroom 9

John W. McCormack P.O. & Courthouse

Boston, Massachusetts 02109

DATE: Thursday, March 3, 2005

TIME: 2:30 p.m.

ELIZABETH A. HAYES
HAYES COURT REPORTING
211 Aspen Circle
Lincoln, MA 01773
781.259.0705

APPEARANCES

Representing the Plaintiff:

MARK T. LEE, ESQUIRE

Assistant District Attorney

Suffolk County District Attorney's Office

1 Bulfinch Place

Boston, Massachusetts 02114

Representing the Defendant:

ANDREW M. D'ANGELO, ESQUIRE

JAMES H. BUDREAU, ESQUIRE

20 Park Plaza

Boston, Massachusetts 02116

Also Appearing:

BRANDON L. BIGELOW, ESQUIRE

BINGHAM, McCUTCHEN

150 Federal Street

Boston, Massachusetts 02110

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

I N D E X

PAGE

Motion Hearing 5

WITNESSES

DENNIS MCCARTHY
Examination by Mr. Budreau 42

E X H I B I T S

NO. DESCRIPTION PAGE

None

1 and allowing things to move forward, we
2 have reached this accommodation.

3 THE COURT: All right. And
4 everybody understands that this is no
5 precedent for argument before any other
6 judge that Rule 17 permits. You
7 understand, counsel?

8 MR. BUDREAU: We would never do
9 that, Your Honor.

10 And, Your Honor, as a preliminary
11 matter, we had already discussed the
12 sequestration of Lieutenant Wyse.

13 THE COURT: Yes, and at this
14 point, I would like Mr. Wyse just outside
15 the room, only for this purpose.

16 Call the witness, please.

17 MR. BUDREAU: Dennis McCarthy,
18 please.

19 Whereupon, MR. DENNIS MCCARTHY
20 took the stand and, having been duly sworn,
21 was examined and testified as follows:

22

23 EXAMINATION BY MR. BUDREAU:

24 MR. BUDREAU: Your Honor, James

1 Budreau, on behalf of Mr. Robinson. If I
2 may proceed?

3 THE COURT: Go ahead.

4 MR. BUDREAU: Thank you.

5 Q. Mr. McCarthy, could you identify yourself
6 for the record.

7 A. My name is Dennis McCarthy.

8 Q. And back in 2001, specifically February 21,
9 2001, who were you working for?

10 A. My recollection is that I was working for
11 ABC News.

12 Q. And you were working as a cameraman?

13 A. Yes.

14 Q. And at some point during that day, were you
15 at an apartment in West Roxbury,
16 specifically 27 Spring Street, as part of
17 your work for 24/7?

18 A. I have no recollection of that
19 specifically.

20 Q. And you have no recollection of being at an
21 apartment that day?

22 A. No, my job was to follow the Homicide
23 detectives as they conducted an
24 investigation. I joined them.

1 Q. As part of your work for 24/7?

2 A. Right.

3 Q. And do you remember as part of your work on
4 that day whether or not you were present
5 near an apartment or any apartment as part
6 of your filming in the 24/7 segment?

7 A. My recollection is that I was with the
8 police when they went to the apartment. I
9 do not recall going in the apartment and
10 filming in the apartment.

11 Q. Is that because you don't have a present
12 recollection of whether you did, or because
13 you didn't do it?

14 A. I don't have a present recollection of
15 doing it.

16 Q. And do you remember whether or not the
17 police had a search warrant when they went
18 to that apartment?

19 A. My recollection of the night is that they
20 went to a judge's house, obtained the
21 warrant. And the reason I remember that is
22 because I remember the judge was in her
23 pajamas and asked me to not to film while
24 she gave them the warrant.

1 Q. Did you film her in her pajamas?

2 A. No, I did not. But, I do recall going from
3 the judge's premises with the warrant, to
4 the location that they were going to
5 search.

6 Q. So, it's your recollection today that the
7 police had a warrant when they initially
8 went to the apartment, at least the police
9 that you were with?

10 A. That is my recollection.

11 Q. And when you got to the apartment, do you
12 know how the police got into the apartment?

13 A. I don't recall.

14 Q. Do you remember whether you did any filming
15 at all while you were inside that apartment
16 complex?

17 THE COURT: Ask the question
18 again. I just didn't hear it.

19 Q. Do you remember whether or not you did any
20 filming at all while you were in the
21 apartment complex?

22 A. That, I don't recall.

23 MR. BUDREAU: If I may just
24 consult with my brother over here regarding

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF MIDDLESEX, ss.

I, Elizabeth A. Hayes, a professional court reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing transcript is a complete, accurate and true transcription of the proceedings in the aforesaid matter, to the best of my skill and ability.

I further testify that I am neither attorney or counsel for, nor related to or employed by any of the parties hereto or financially or in any way interested in the action and its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 18th day of August, 2005.



Elizabeth A. Hayes

My Commission Expires: August 9, 2007